

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FUSION ELITE ALL STARS , et al., Plaintiffs, v. VARSITY BRANDS, LLC , et al., Defendants.	Case No. 2:20-cv-02600-SHL-tmp JURY TRIAL DEMANDED
JONES , et al., Plaintiffs, v. BAIN CAPITAL PRIVATE EQUITY , et al., Defendants.	Case No. 2:20-cv-02892-SHL-tmp JURY TRIAL DEMANDED

**DECLARATION OF KATHERINE VAN DYCK IN SUPPORT OF PLAINTIFFS’
JOINT RESPONSE TO APPEAL OF ORDER GRANTING IN PART AND
DENYING IN PART MOTION TO QUASH OR MODIFY SUBPOENA
DIRECTED TO MARLENE COTA AND FOR PROTECTIVE ORDER**

I, Katherine Van Dyck, declare the following under penalty of perjury:

1. I am an attorney with the law firm of Cuneo Gilbert & LaDuca LLP, counsel for Plaintiffs, and Interim Co-Lead Counsel for Direct Purchasers in the above-captioned matter, *Fusion Elite, et al. v. Varsity Brands, et al.*, Case No. 2:20-cv-02600-SHL-cgc. I make this affidavit on personal knowledge and review of my files, except as otherwise indicated. I submit this declaration in support of Plaintiffs’ Joint Response to Appeal of Order Granting in Part and

Denying in Part Motion to Quash or Modify Subpoena Directed to Marlene Cota and for Protective Order.

2. Attached as Exhibit 1 is a true and correct copy of the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action, served by Plaintiffs on Marlene Cota on November 3, 2021.

3. Upon information and belief, counsel for Marlene Cota delivered the Bates-stamped copies of documents in Ms. Cota's possession responsive to the Subpoena to counsel for Defendants on February 4, 2022.

4. Upon information and belief, the documents at issue total 1,370 pages.

5. Attached as Exhibit 2 is a true and correct copy of *A Tangled Jeff Webb Weaves Cheerleading's Olympic Dreams*, published by Sportico.com on September 16, 2021, available at <https://www.sportico.com/personalities/executives/2021/cheerleading-varsity-brands-webb-1234638714/> (last visited Feb. 25, 2022).

6. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed this 25th day of February, 2022 in Washington, DC.

s/ Katherine Van Dyck

Katherine Van Dyck